CONSULTATION ON COMMUNITY JUSTICE

103-04217/

Message from the Minister:

Manitobans want and deserve to feel safe from crime. We support crime prevention initiatives and we expect an effective, meaningful justice system to deter potential and repeat offenders.

Our traditional justice system focuses primarily on offenders, courts, prosecutors, defence lawyers and judges. Victims have traditionally and wrongly been a secondary focus, although we are making great strides in this area with recent legislation expanding and guaranteeing victims' rights and services.

To better meet individual and community needs for more timely, directly effective justice, impressive numbers of Manitoba volunteers from a wide spectrum of backgrounds have initiated community justice committees to make offenders more accountable for the harm they cause and to better meet victims' needs.

Community justice is an approach that repairs harm and restores harmony to the community in which a crime takes place. The goal is to ensure the offender is ready to face his or her victim(s), accepts responsibility for the offence and makes restitution to the individual(s) and the affected community. Community justice can also be used to help reintegrate an offender back into the community in conjunction with jail and other criminal justice sentences.

Because consequences for an offender's crime are decided upon by community volunteers, there is a perception that community justice is 'soft' justice. In fact, for lesser offences this is local, common sense, swift, tough justice. It is proving remarkably effective in dealing with these offences, particularly with youth, and it reduces re-involvement in crime.

I am proud to say that Manitoba is a leader in community justice. Because we have discovered how effective it can be, Manitoba Justice is looking for ways to strengthen the process and expand its use across the province for youth and adult offenders. This discussion paper is intended to provide community justice volunteers with a platform to discuss, explore and comment on the community justice process.

I invite you all to participate. Your contributions are welcome and your input will help Manitoba Justice and local communities clarify our direction and plan the next steps in this ongoing process.

Gord Mackintosh
Manitoba Attorney General

Introduction

Manitoba takes a balanced approach to justice – in the traditional court system and in the community-based justice system. All offenders must be accountable for their actions. If an offender is unwilling to change behaviour and continues to pose a real threat to the safety of a community, he or she is not eligible for community justice. The safety and well-being of Manitoba's citizens continues to be the government's first responsibility and dangerous offenders who refuse to take responsibility for their actions and refuse to change their behaviour are likely better dealt with through the criminal courts.

The province has a 25-year history of citizen involvement in community justice. Community justice includes justice committees, community justice forums, mediation, sentencing circles and healing circles. The goal is to both change offender behaviour and increase public safety and satisfaction with Justice processes.

Community justice programs are sustained by volunteers who work with Manitoba Justice and local police to prevent and resolve local crime problems. And it does work. Statistics show that more than 75 per cent of offenders who participate in community justice programs do not re-offend.

The province remains committed to community justice because it has proven effective. Last year, more than 1,500 alternative measures cases were successfully resolved through community justice programs. Manitobans have created a variety of community justice options for adults and youth with more than 60 designated community justice committees across the province. In addition, the R.C.M.P. have established community justice forum options in many communities using volunteer facilitators.

When it comes to high-risk offenders and serious and violent crimes, there is often a need to take offenders out of society and imprison them. Dangerous offenders who show an obvious unwillingness to accept responsibility for their actions and are unwilling to

change their behaviour, are not referred to community justice programs. Community justice is only an option when offenders do not pose an immediate threat to the safety and security of individuals or the community, and only when offenders accept responsibility for their crimes. Imprisonment is tough justice for serious offences, but community justice is also tough because it forces offenders to accept responsibility for less serious offences.

Along with offender accountability, restitution and greater victim satisfaction, community justice frees up the criminal court system to focus more effectively on more serious, violent, high-risk and repeat offenders. Community justice takes a serious stand on crime, right from the first offence. It teaches difficult and personal lessons so offenders understand that their crimes harm others and that there are consequences for their offences.

By referring offenders to community justice programs, we reduce the risk of re-offending and we provide tangible results, which help crime victims deal better with the results of the crime.

The Aboriginal Justice Implementation Commission (AJIC) also made some very specific recommendations to Manitoba Justice about the future of community justice particularly in Aboriginal communities. These recommendations can effectively be addressed through enhancing and expanding the community justice processes across the whole province in Aboriginal and non-Aboriginal communities alike.

Manitoba's Aboriginal population is significantly over-represented in the criminal justice system. This fact needs to be taken into account when deciding future policy and direction. The community justice process needs to involve more communities generally in finding solutions and in making existing programs more responsive to their particular needs.

Past experience with community justice, partnered with the experience of using traditional forms of justice, clearly shows that a community approach can be markedly successful. Based on these successful experiences, Manitoba Justice is planning the expansion of community-based justice programs for youth and adults as the next step in the process.

Manitoba Justice now wants to hear suggestions from Aboriginal and non-Aboriginal communities, community justice volunteers and others with an interest in community justice about ways to expand its use in the province. The goals are to create an even more effective, efficient and appropriate community justice system to ensure greater public safety and reduce the rate of crime.

Consultation Process

This consultation will target community justice committees, community justice forum facilitators, participants in community justice programs, community service providers, key community leaders, police and justice personnel.

Identified volunteers, committees, organizations and individuals will receive copies of the Minister's letter inviting their participation and a copy of the consultation paper. Others who are interested will be asked to submit their responses either in writing.

Key Issues

You are encouraged to consider the following list of key issues on the topic and provide us with your comments and suggestions.

Based on past experiences, Manitoba Justice is exploring methods of enhancing and expanding the use of community justice for youth and adult offenders. The province has

been a leader in the field and is very aware of the obvious benefits including healthier communities, greater victim satisfaction, reduced recidivism and reduced criminal court case loads.

Public Education and Support

- Manitoba Justice supports the expansion of community justice in the province and needs effective ways to encourage the general public to become more informed about the process and to support it.

1. What role should the community play in the existing and an expanded community justice system?
2. Since community justice is a grass roots movement reflecting individual community values, what might generate greater public support for the process and how can Manitoba Justice encourage more local involvement in programs?
3. What can be done to increase the number of community justice programs across the province, particularly in Aboriginal communities?

Victim Involvement

- Victims of crime have been generally left without a voice in the criminal justice system, although this is changing. An example is Manitoba's recent *Victim's Rights Act*. The community system provides victims with increased satisfaction by actively involving victims in the resolution of crime. It ensures victims are compensated to the fullest extent possible. It also provides them with the opportunity to face the offender and tell him or her how the crime affected their lives and with the opportunity to receive answers to their questions. Victims are not required to meet face-to-face with the offenders, only when they choose that option.

4. The recent *Victim's Bill of Rights* is addressing victims' interest in having a stronger voice in the justice system. How can Manitoba Justice encourage more victim participation in the community programs?
5. What guidelines are needed to ensure victim safety in the community process?
6. What additional supports are needed to help protect victims' interests?

Offender Accountability for Non-Compliance

- Manitoba Justice is very aware of the need to balance the safety and security of the community with the community justice program. If offenders in the community justice process fail to accept responsibility; do not comply with the agreement reached or fail to co-operate in resolving the criminal matter they are returned to the formal criminal justice system.

7. What further actions should be taken to ensure offender compliance with community justice sanctions?

Referral Criteria and Training

- Some community justice committees are requesting the authority to handle more difficult, complex offences. Whether or not community committees should be allowed to handle more serious cases, as their expertise and abilities increase, is a question that needs to be addressed. Training and support for the community justice process is integral to its continued success and requires resources. Manitoba Justice currently funds the infrastructure for community justice committees, but does not pay committee members. Committee members are reimbursed for out-of-pocket expenses only. The province's goal is to work with community justice committees to enhance the knowledge, skills and capabilities of volunteers as the program expands.

8. What offender criteria should be established for referrals to Community Justice Programs?
9. Successful community justice depends on adequate training for volunteers, what recommendations do you have for expanding/improving the orientation and training they receive?
10. What regional or province-wide training and information would be useful?

Community ownership and involvement

- Research and experience have demonstrated communities that take active ownership in working with local crime problems are more successful in preventing and resolving crime than communities depending on traditional enforcement methods.
  Each community has its own unique make up and needs. Successful volunteer justice committees reflect the people they represent according to factors such as age, education, economics, ethnicity and gender.

11. How can we ensure the community justice committees reflect the make up of the communities they serve?

12. How can communities ensure program volunteers are accountable to the communities they serve?

- Approximately one-third of Justice Committees currently work with adult offenders. The province is interested in expanding community justice programming for adult offenders throughout Manitoba.

13. What supports and training is required for Community Justice Committees to expand their services to adult offenders?

- There is a public perception that offenders get a "free ride" and will re-offend because they believe they can get away with crime. Many believe there is no way to enforce the sentence in the community system. However, if the community justice process fails to resolve the problem; or if the offender fails to comply with the agreement reached, the case is returned to the criminal justice system for further action. There is also a public perception that community justice committees and forums, healing circles, judging circles, etc. have no substance and no influence on an offender. In fact, community justice processes often hold offenders much more accountable and responsible for their actions, than the criminal justice system is able to do.

Conclusion

Manitoba Justice strongly supports the community justice process because it has such obvious benefits to the whole society. *The Effectiveness of Restorative Justice Practices: a Meta-Analysis*, (Latimer, Dowden, Muise, April 2002) states "…restorative justice programs are a more effective method of improving victim/offender satisfaction, increasing offender compliance with restitution and decreasing the recidivism of offenders when compared to more traditional criminal justice responses (i.e. incarceration, probation, court-ordered restitution)."

The perceived benefits of community justice are many. Offenders are required to admit to their offences and take responsibility for them. In the criminal justice system, offenders can get absolute or conditional discharges or suspended sentences, may never take responsibility for their actions, may not learn from their experience and make no restitution to the victim or the community. They are also more likely to re-offend. Offenders, who are dealt with in community programs, may be required to face the people and community they have harmed; listen to victims describe the harm they have suffered; and make restitution, to the fullest extent possible, through methods such as repayment or community service.

Victims of crime receive a much greater degree of satisfaction through community justice and offenders have an opportunity to make reparation for their offences. The process also keeps them out of the criminal justice system, where many offenders make inappropriate connections and are more prone to re-offend.

The department will continue to look for ways to improve and expand this community process. Research shows that the most effective justice programs are carried out in partnership/co-operation with community volunteers, groups and agencies. Community justice is about community. For it to continue to be effective, participation by the community is necessary.

Thank you for taking time to respond to these issues and questions. Your comments and suggestions will give guidance and direction to community justice developments throughout Manitoba.

Written submissions can be forwarded to:

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Or
Faxed to: 945-5179

Information on the consultation can be obtained from:
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